



General Assembly

Amendment

February Session, 2018

LCO No. 5296



Offered by:

REP. ZIOBRON, 34th Dist.

SEN. MINER, 30th Dist.

To: House Bill No. **5321**

File No. 190

Cal. No. 149

"AN ACT CONCERNING CONSUMER PROTECTION."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2018*) For the purposes of this
4 section and sections 502 to 507, inclusive, of this act:

5 (1) "Commissioner" means the Commissioner of Consumer
6 Protection or an authorized agent of the commissioner;

7 (2) "Cottage food operation" means any person who produces
8 cottage food products only in the home kitchen of such person's
9 private residential dwelling and only for sale directly to the consumer
10 and who does not operate as a food service establishment pursuant to
11 section 19a-36 of the general statutes or regulations adopted pursuant
12 to section 21a-101 of the general statutes, or a food retailer, distributor
13 or manufacturer as defined in subsection (b) of section 21a-92 and
14 section 21a-151 of the general statutes;

15 (3) "Cottage food products" means nonpotentially hazardous baked
16 goods, jams, jellies and other nonpotentially hazardous foods
17 produced by a cottage food operation;

18 (4) "Food service establishment" means any establishment in which
19 food is stored, offered for sale, processed or prepared, and includes the
20 transportation of any food;

21 (5) "Private residential dwelling" means an owner or resident
22 occupied dwelling. "Private residential dwelling" does not include any
23 group or communal residential setting within any type of structure or
24 outbuilding, shed, barn or other similar structure;

25 (6) "Home kitchen" means a kitchen designed and intended for use
26 by the residents of a home but that is also used by a resident for the
27 production of cottage food products and that may contain one or more
28 stoves or ovens, which may be a double oven, designed for residential
29 use. "Home kitchen" does not include commercial equipment typically
30 used for large wholesale manufacturing;

31 (7) "Permitted area" means the portion of a private residential
32 dwelling that contains a home kitchen where the preparation,
33 packaging, storage or handling of cottage food products occurs; and

34 (8) "Potentially hazardous food" means a food that requires time
35 and temperature control for safety to limit pathogenic microorganism
36 growth or toxin formation.

37 Sec. 502. (NEW) (*Effective October 1, 2018*) (a) All cottage food
38 operations shall be licensed annually by the Commissioner of
39 Consumer Protection. The license application form shall be developed
40 by the commissioner. The license shall specify the food products
41 allowed to be produced by the cottage food operation. The annual
42 license fee for cottage food operations shall be set by the
43 Commissioner of Consumer Protection, provided such fee shall not
44 exceed one hundred dollars.

45 (b) Prior to licensing, the commissioner shall, within existing
46 resources, examine the premises of the cottage food operation to
47 determine it to be in compliance with the provisions of sections 501 to
48 507, inclusive, of this act.

49 (c) Any cottage food operation shall comply with all applicable
50 municipal laws and zoning ordinances when conducting a business
51 from a private residential dwelling. Upon request by the
52 commissioner, the cottage food operation shall provide written
53 verification, from a credible recognized source, as determined by the
54 commissioner, of compliance with all local, state and federal laws
55 regarding on site wastewater systems.

56 (d) Any cottage food operation with a private water supply shall
57 have the supply tested prior to receiving a license in order to
58 demonstrate that the water supply is potable. Subsequent testing of
59 such private water supplies shall be required at a frequency
60 determined by the commissioner.

61 (e) Prior to receiving a license, each cottage food operation shall
62 have attended and completed a food safety training program that
63 includes training in food processing and packaging. A list of food
64 safety training programs that are recognized by the commissioner shall
65 be maintained on the Department of Consumer Protection's Internet
66 web site.

67 Sec. 503. (NEW) (*Effective October 1, 2018*) (a) Total annual gross
68 sales for a cottage food operation shall not exceed twenty-five
69 thousand dollars per calendar year. If annual gross sales exceed the
70 maximum annual gross sales amount allowed, the cottage food
71 operation shall either obtain a food manufacturing establishment
72 license or cease operations. The commissioner may request
73 documentation to verify the annual gross sales figure of any cottage
74 food operation.

75 (b) Products produced by a cottage food operation shall be sold
76 directly to the consumer. Direct sales at point of production, farmers

77 markets, local fairs and festivals, and charitable organization functions
78 are permitted. Advertising and sales by Internet, mail and phone are
79 permissible, provided the cottage food operator or their designee shall
80 deliver, in person, to the customer within the state. No such operation
81 shall engage in consignment or wholesale sales. The following
82 additional locational sales by any such cottage food operation shall be
83 prohibited: (1) Grocery stores; (2) restaurants; (3) long-term care
84 facilities; (4) group homes; (5) day care facilities; and (6) schools. A
85 cottage food operation may not operate as a food service
86 establishment, a retail establishment engaged in the sale of food, a food
87 manufacturing establishment, as defined in section 21a-151 of the
88 general statutes, or a food warehouse, as defined in section 21a-151 of
89 the general statutes.

90 (c) A cottage food operation may only produce those specific food
91 products listed on its license.

92 (d) Any such license shall be displayed at every location where the
93 operation's cottage food products are sold.

94 Sec. 504. (NEW) (*Effective October 1, 2018*) (a) The commissioner may
95 inspect a cottage food operation at any time to ensure compliance with
96 the provisions of sections 501 to 507, inclusive, of this act.

97 (b) Nothing in sections 501 to 507, inclusive, of this act shall be
98 construed to prohibit the local director of health or duly authorized
99 agents of the director from investigating the permitted area of a
100 cottage food operation in response to a foodborne illness outbreak,
101 consumer complaint or other public health emergency.

102 Sec. 505. (NEW) (*Effective October 1, 2018*) (a) A cottage food
103 operation may produce food items that are not potentially hazardous
104 food.

105 (b) A cottage food operation shall not produce:

106 (1) Potentially hazardous food items; and

107 (2) Food items that present a food safety risk, such as acidified
108 foods, low acid canned foods, garlic in oil, fresh fruit or vegetable
109 juices and beverages.

110 Sec. 506. (NEW) (*Effective October 1, 2018*) If a cottage food operation
111 sells cottage food products that are prepackaged, such packaging shall
112 include an affixed label that contains the following information and
113 that is printed in English:

114 (1) The name and address of the cottage food operation;

115 (2) The common or usual name of the cottage food product;

116 (3) The ingredients of the cottage food product, in descending order
117 of predominance by weight or volume;

118 (4) Allergen information, as specified by federal labeling
119 requirements, such as milk, eggs, fish, crustacean shellfish, tree nuts,
120 peanuts, wheat and soybeans; and

121 (5) The following statement printed in at least ten-point type in a
122 clear and conspicuous manner that provides contrast to the
123 background label: "Made in a Cottage Food Operation that is not
124 Subject to Routine Government Food Safety Inspection."

125 Sec. 507. (NEW) (*Effective October 1, 2018*) (a) Each cottage food
126 operation shall comply with the following requirements and any
127 failure to comply shall be deemed a violation of sections 501 to 507,
128 inclusive, of this act:

129 (1) No person, other than the person licensed to produce cottage
130 food products or a person under his or her direct supervision, may
131 engage in the processing, preparing, packaging or handling of any
132 cottage food products;

133 (2) No preparation, packaging or handling of cottage food products
134 shall occur in the home kitchen concurrently with any other domestic
135 activities such as family meal preparation, clothes washing or ironing,

136 kitchen cleaning, or guest entertainment;

137 (3) No pets, infants or children under the age of twelve shall be in
138 the home kitchen during the preparation, packaging or handling of
139 any cottage food products;

140 (4) All food contact surfaces, equipment and utensils used for the
141 preparation, packaging or handling of any cottage food products shall
142 be washed, rinsed and sanitized before each use;

143 (5) All food preparation and food and equipment storage areas shall
144 be maintained free of rodents and insects; and

145 (6) All persons involved in the preparation and packaging of cottage
146 food products:

147 (A) Shall not be ill while working in the home kitchen;

148 (B) Shall wash their hands before any food preparation and food
149 packaging activities; and

150 (C) Use single-service gloves, bakery papers, tongs or other utensils
151 in order to not have bare hand contact with ready-to-eat foods.

152 (b) A cottage food operation license may be suspended or revoked
153 by the commissioner for any violation of sections 501 to 507, inclusive,
154 of this act after a hearing conducted in accordance with chapter 54 of
155 the general statutes. A cottage food operation license may be
156 summarily suspended pending such a hearing if the commissioner has
157 reason to believe that the public health, safety or welfare imperatively
158 requires emergency action. Upon issuing a summary suspension, the
159 commissioner shall schedule a hearing to determine whether to
160 reinstate the license of the cottage food operation. Following said
161 hearing, the commissioner shall either void such suspension or order
162 revocation of the cottage food operation license. Any person or
163 business entity whose license was revoked shall not be permitted to
164 apply to the department for a new license for a period of one year from
165 the date of decision of license revocation by the commissioner. The cost

166 of any inspections necessary to determine whether or not an applicant
167 whose license was revoked is entitled to have a new license granted
168 shall be borne by the applicant at such rates as the commissioner may
169 determine. The commissioner may refuse to grant any cottage food
170 operation license if the commissioner finds that the applicant has
171 evidenced a pattern of noncompliance with the provisions of sections
172 501 to 507, inclusive, of this act. Prima facie evidence of a pattern of
173 noncompliance shall be established if the applicant has operated,
174 controlled or managed two or more cottage food operations for which
175 such a license has been revoked."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2018</i>	New section
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